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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/071,189	05/01/1998	JOHN MADDALOZZO JR.	AT9-98-024	5241

7590 10/17/2003

BRACEWELL & PATTERSON LLP  
Intellectual Property Law  
P O Box 969  
Austin, TX 78767-0969

EXAMINER

SHANKAR, VIJAY

ART UNIT	PAPER NUMBER
2673	19

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER
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Commissioner for Patents

The Appeal Brief filed on 7-31-2003 is defective.  
A new Appeal Brief is now required

VIJAY SHANKAR  
Primary Examiner  
Art Unit: 2673

**DETAILED ACTION**

1. The appeal brief filed on 7-31-2003 is defective because Claims 1-4, 6-11 and 13-21 are not same as the Amended Claims 1-4, 6-11 and 13-21 filed with Amendment A which was filed on 7-6- 2000. Also, Claim 22 is a canceled claim. There is only Claims 1-21 in application for the appeal.

To avoid dismissal of the appeal, appellant must ratify the appeal brief within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing of this communication, whichever is longer; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is 703-305-4763. The examiner can normally be reached on M-F 7:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on 703-305-4938. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.



VIJAY SHANKAR  
Primary Examiner  
Art Unit 2673

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